



General Assembly

**Substitute Bill No. 5436**

January Session, 2015



**AN ACT CONCERNING ADVERSE POSSESSION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-575 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) No person shall make entry into any lands or tenements but  
4 within fifteen years next after his right or title to the same first  
5 descends or accrues or within fifteen years next after such person or  
6 persons have been ousted from possession of such land or tenements;  
7 and every person, not entering as aforesaid, and his heirs, shall be  
8 utterly disabled to make such entry afterwards; and no such entry  
9 shall be sufficient, unless within such fifteen-year period, any person  
10 or persons claiming ownership of such lands and tenements and the  
11 right of entry and possession thereof against any person or persons  
12 who are in actual possession of such lands or tenements, gives notice  
13 in writing to the person or persons in possession of the land or  
14 tenements of the intention of the person giving the notice to dispute  
15 the right of possession of the person or persons to whom such notice is  
16 given and to prevent the other party or parties from acquiring such  
17 right, and the notice being served and recorded as provided in sections  
18 47-39 and 47-40 shall be deemed an interruption of the use and  
19 possession and shall prevent the acquiring of a right thereto by the  
20 continuance of the use and possession for any length of time thereafter,

21 provided an action is commenced thereupon within one year next after  
22 the recording of such notice. The limitation herein prescribed shall not  
23 begin to run against the right of entry of any owner of a remainder or  
24 reversionary interest in real estate, which is in the adverse possession  
25 of another, until the expiration of the particular estate preceding such  
26 remainder or reversionary estate.

27 (b) If any person who has such right or title of entry into any lands  
28 or tenements is, at the time of the first descending or accruing of such  
29 right or title, a minor, non compos mentis or imprisoned, he and his  
30 heirs may, notwithstanding the expiration of such fifteen years, make  
31 such entry and serve and record such notice at any time within five  
32 years next after full age, coming of sound mind or release from prison,  
33 or his heirs shall, within five years after his death, make such entry  
34 and serve and record such notice, and take benefit of the same.

35 (c) Notwithstanding the provisions of subsections (a) and (b) of this  
36 section, the payment in full of property taxes assessed on lands or  
37 tenements by the owner or heirs of such lands or tenements shall (1)  
38 prevent the fifteen-year period under subsections (a) and (b) of this  
39 section from beginning to run, and (2) be deemed an interruption of  
40 the use and possession of another for the purposes of subsections (a)  
41 and (b) of this section and shall prevent the acquiring of a right thereto  
42 by the continuance of the use and possession for any length of time  
43 thereafter, provided payment in full of the property taxes continues to  
44 be made by the owner or heirs.

45 Sec. 2. Section 47-27 of the general statutes is repealed and the  
46 following is substituted in lieu thereof (*Effective October 1, 2015*):

47 (a) No length of possession, use or occupancy of land belonging to a  
48 railroad or street railway corporation and used for its corporate  
49 purposes shall create or continue any right in or to such land. No  
50 length of possession, use or occupancy by a railroad or street railway  
51 corporation of land belonging to another shall create or continue any  
52 right in or to such land.

53 (b) No length of possession, use or occupancy of land belonging to a  
 54 nonprofit land-holding organization or of land subject to a  
 55 conservation restriction, as defined in section 47-42a, held by a  
 56 nonprofit land-holding organization shall create or continue any right  
 57 in or to such land. As used in this subsection, "nonprofit land-holding  
 58 organization" means a nonprofit corporation incorporated pursuant to  
 59 chapter 602 or any predecessor statute thereto, having as one of its  
 60 principal purposes the conservation and preservation of land.

61 (c) No length of possession, use or occupancy of land classified as  
 62 class I or class II land under section 25-37c and belonging to an  
 63 investor-owned water company shall create or continue any right in or  
 64 to such land. The provisions of this subsection shall not affect any right  
 65 in or to such land acquired by length of possession, use or occupancy  
 66 pursuant to law prior to October 1, 2002. As used in this subsection,  
 67 "water company" has the same meaning as provided in section 16-1.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	52-575
Sec. 2	October 1, 2015	47-27

**INS**      *Joint Favorable Subst.*

**JUD**      *Joint Favorable*